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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,641	08/07/2001	Kenji Kajiwara	35.C15667	9268

5514 7590 10/07/2003

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EXAMINER	
HANNAHER, CONSTANTINE	

ART UNIT	PAPER NUMBER
2878	

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/922,641	KAJIWARA ET AL.	
	Examiner	Art Unit	
	Constantine Hannaher	2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6,21,23,24,32,34,35 and 55-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-4,21,23,24,32,34,35,58,59 and 61* is/are allowed.

6)☒ Claim(s) *6,55,57 and 60* is/are rejected.

7)☒ Claim(s) *56* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 55 and 57 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not describe a radiation intercepting member metal element corresponding to the symbol "Gd".

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 55 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 55 recites the limitation "radiation intercepting member" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 establishes a radiation intercepting bonding portion but there is no requirement for a member to bond.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusuyama *et al.* (WO0036436A1) and Sayag *et al.* (US005715292A).

With respect to independent claim 6, Kusuyama *et al.* discloses a fiber plate (Fig. **2**) formed by arranging in mutually adjacent manner a plurality of individual fiber plates **12, 14, 16** of a same thickness so as to provide a light guiding plane (Fig. **1**) larger in area that the light guiding plane of each of the individual fiber plates, and wherein each of the individual fiber plates **12, 14, 16** is composed of a group of optical fibers having mutually parallel axes (page 3, line 20 to page 4, line 5) and lateral faces of the plurality of individual fiber plates **12, 14, 16** are mutually so bonded (with adhesive **24**, page 4, lines 10-16) that the axes of the optical fibers thereof become mutually parallel (Fig. **2**). Although the lateral faces of the individual fiber plates **12, 14, 16** in the fiber plate of Kusuyama *et al.* include a face parallel to the normal line of the light guiding plane (Fig. **2**) the use of a lateral face which crosses the normal line is known from Sayag *et al.* (column 7, lines 6-10). In view of the advantageous reduction in "dead space" suggested by Sayag *et al.* which is sought by

Kusuyama *et al.* (page 4, line 26 to page 5, line 13) it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the fiber plate of Kusuyama *et al.* to have a sloping lateral face therein.

With respect to dependent claim 60, the fiber plate of Kusuyama *et al.* is a part of a radiation image pickup apparatus.

Allowable Subject Matter

8. Claims 1-4, 59, 21, 23, 24, 32, 34, 35, 58, and 61 allowed.

9. Claim 56 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments, see page 12, filed August 19, 2003, with respect to claims 1-4 have been fully considered and are persuasive. The rejection of claims 1-4 has been withdrawn.

11. Applicant's arguments filed August 19, 2003 have been fully considered but they are not persuasive.

The displacement identified by Sayag *et al.* as quoted by Applicant's representative is an inevitable consequence of having sloped lateral faces ("...fiber optic faceplates **18*b*** that are bias cut so that the input and output image planes are displaced laterally...") and not an identification of any spacing between lateral faces ("...closely abutting...SFOCCD assemblies **18**..." see also Fig. **6**). Furthermore, since bonding of lateral faces is disclosed by Kusuyama *et al.*, stating that Sayag *et al.* does not show bonding is irrelevant when the references have been properly combined.

For at least the reasons explained above, Applicant is not entitled to a favorable determination of patentability in view of the arguments submitted August 19, 2003.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Constantine Hannaher whose telephone number is (703) 308-4850. The examiner can normally be reached on Monday-Friday with flexible hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (703) 308-4852. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

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Constantine Hannaher
Primary Examiner